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PATENT  
Attorney Docket No.: 020366-0774100US

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

On January 10, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Don Mix  
Don Mixon

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FEB 19 2002  
Technology Center 2100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Richard Cerami, et al.

Application No.: 09/921,294

Filed: August 1, 2001

For: PERFORMANCE MODELING IN A  
VDSL NETWORK

Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner: Unassigned

Art Unit: 2151

TRANSMITTAL LETTER – RESPONSE  
TO NOTICE OF MISSING PARTS

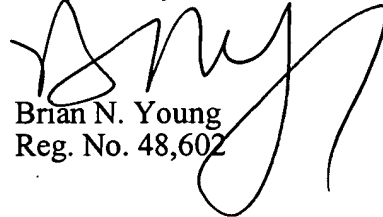
Sir:

Applicant submits this response pursuant to the Notice to File Missing Parts of Nonprovisional Application dated September 10, 2001 in the above-captioned application. An extension for reply within the two months is requested thereby extending the date to respond to and including January 10, 2002. Enclosed are the following to be made of record in the above-identified application:

- 1) Executed Declaration
- 2) Copy of Notice of Missing Parts
- 3) Assignment Document
- 4) Petition for Extension of time (2 months)
- 5) Petition under CFR § 1.47(A)
- 6) Declaration of Chad S. Hilyard
- 7) Declaration of Brian N. Young

Please charge the fees as set forth on attached Form PTO/SB/17 and any additional fees under 37 CFR 1.16 or 1.17 associated with this paper or otherwise required during the pendency of this application, and credit any overpayment to the Deposit Account No. 20-1430 of the undersigned.

Respectfully submitted,



Brian N. Young  
Reg. No. 48,602

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
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SF 1307113 v1

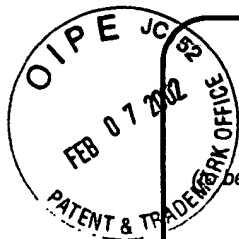
Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

to be used for all correspondence after initial filing)

Application Number	09/921,294
Filing Date	August 1, 2001
First Named Inventor	Cerami, Richard
Group Art Unit	2151
Examiner Name	Unassigned
Attorney Docket Number	020366-077410US

Total Number of Pages in This Submission

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### ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/  
Incomplete Application

☒ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

☐ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation  
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to  
Group

☐ Appeal Communication to Board of  
Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)  
(please identify below):

Return Postcard, Petition under CFR  
1.47(a), Declaration of Chad S. Hilyard,  
Declaration of Brian N. Young

Remarks

The Commissioner is authorized to charge any additional fees to  
Deposit Account 20-1430.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
and  
Individual name

Townsend and Townsend and Crew LLP

Brian N. Young

Reg. No. 48,602

Signature

Date

January 10, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

January 10, 2002

Typed or printed name

Don Mixon

Signature

Date

January 10, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1307119 v1



FEB 07 2002

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/921,294	08/01/2001	Richard Cerami	020366-077410US

CONFIRMATION NO. 5648

20350  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

## FORMALITIES LETTER



\*OC000000006538808\*

Date Mailed: 09/10/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION **RECEIVED**  
FILED UNDER 37 CFR 1.53(b)  
*Filing Date Granted*  
**FEB 19 2002**  
Technology Center 2100

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 420.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

02/11/2002 AWONDAF1 00000054 201430 09921294

03 FC:101 740.00 CH  
04 FC:105 130.00 CH